

## **REMARKS/ARGUMENTS**

The Office Action of April 20, 2005 has been carefully reviewed and this response addresses the Examiner's concerns stated in the Office Action. All objections and rejections are respectfully traversed.

### **I. STATUS OF THE CLAIMS**

Claims 1-57 are subjected to a restriction requirement.

Claims 12-28, 34-42, and 49-57 have been withdrawn from consideration without prejudice.

Claims 58-82 have been added. Support for the additional claims can be found in the withdrawn claims and elsewhere. No new matter has been added.

### **II. RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121**

In paragraph 1, page 2, the Office Action states that restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. The Office Action states that claims 1-11, 29-33, and 43-48 are drawn to a transmitter for use in a network which has a physical layer, first link layer, and sends signals to a handheld device, classified in claim 398, subclass 130.
- II. The Office Action states that claims 12-28 and 49-57 are drawn to a handheld device which has a physical layer, a link layer, and utilizes information received and passed to a physical layer, link layer, and utilizes information received and passed to a physical layer and then to link layer, classified in class 398, subclass 106.
- III. The Office Action states that claims 34-42 are drawn to a data signal classified in class 398, subclass 98.

The Office Action further states that the inventions are distinct from each other because:

- a. Invention I has separate utility such as it could communicate with another transceiver, which has different elements than the claimed handheld device;
- b. Invention II has separate utility such as it could communicate with another transceiver which has different elements than the claimed transmitter device;
- c. Invention III (listed in the Office Action as Invention II) has separate utility such as the data signal could be used with different configurations of handheld devices and transmitter devices.

### III. CONCLUSION

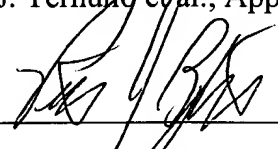
Applicants elect for examination, without traverse, the transmitter defined by claims 1-11, 29-33, and 43-48 of Group I. The remaining claims 12-28, 34-42, and 49-57 have been withdrawn from consideration at this time. Applicants have added claims 58-82 to further define the invention.

The present amendment adds 25 new dependent claims, but has also withdrawn from consideration 35 claims, and therefore no new fees are deemed to be required. The Commissioner for Patents is authorized to charge additional fees or credit overpayment to Deposit Account No. 03-2410, Order No. 12078-139.

The following information is presented in the event that a call may be deemed desirable by the Examiner: Peter J. Borghetti (617) 854-4000

Respectfully submitted,  
Noah J. Ternullo et al., Applicants

Date: July 20, 2005

By:   
Peter J. Borghetti  
Reg. No. 42,345  
Attorney for Applicants